

Remarks/Arguments:

Claim Status:

Claims 1-11 are pending in this application. Claims 12-43 have been withdrawn. Claim 6 has been cancelled without prejudice or disclaimer of the subject matter thereof. Claims 1, 7 and 8 have been amended.

New claims 44-46 have been added. No new matter is being presented by the claim amendments and new claims, and accordingly, Applicants respectfully request entry and consideration of these claims.

Claim Rejection Under 35 U.S.C. §112

Claim 7 stands rejected under 35 U.S.C. §112 in reference to the scope and meaning of the phrase "the another stratum." The phrase "the another stratum" is replaced by the phrase "at least one additional stratum."

Claim 8 stands rejected under 35 U.S.C. §112 in reference to the scope and meaning of the phrase "the liquid superabsorbent material." The term "material" is replaced by "polymer."

Claim Rejection Under 35 U.S.C. §102(b): Katz

Claims 1-5 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Katz (Katz) (U.S. Patent No. 4,888,238). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Katz for the reasons set forth below.

As background, Katz teaches superabsorbent synthetic fibres and a method of their preparation. The coated synthetic fibres can also be mixed with other absorbent materials for use in converted products; one example is an addition to cellulose fluff pulps for use in diapers.

Independent claim 1, as amended, recites at least one feature that is neither disclosed nor suggested by Katz, namely:

wherein the core comprises **two or more adjacent and coextensive strata**, wherein one stratum comprises filaments having disposed on said surface thereof said layer comprising the superabsorbent material, and **at least one additional stratum is substantially free of superabsorbent material.**

According to an exemplary embodiment of Applicants' invention, an absorbent core is provided for use in an absorbent article. The absorbent core optionally includes two or more

adjacent and coextensive strata, wherein one stratum includes filaments having disposed on the surface thereof the layer comprising the superabsorbent material, and another stratum is substantially free of absorbent material. The stratum that is substantially free of superabsorbent material optionally includes a surfactant disposed on the surface of at least some of the filaments. This feature is found in the originally filed application at page 4, lines 27-33.

While Katz teaches superabsorbent synthetic fibres and a method of their preparation, Katz does not teach two or more adjacent strata, with at least one stratum having superabsorbent material disposed on the surface of filaments in that stratum and at least one additional stratum substantially free of superabsorbent material.

Katz therefore fails to disclose or suggest every element of Applicants' invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1 as amended is patentable over Katz and should be allowed. Claims 2-5 and 10 are dependent upon claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 1-5 and 10 is respectfully requested.

Claim Rejection Under 35 U.S.C. §102(b): Chihani

Claims 1 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Chihani (Chihani) (U.S. Patent No. 6,194,630). Applicants respectfully traverse the restriction and respectfully submit that these claims are patentable over Chihani for the reasons set forth below.

As background, Chihani teaches superabsorbent fibres or non-woven materials in which particles of superabsorbent material have been bonded to individual fibres. Binding of the superabsorbent particles to the fibres shall also be effected without the aid of a solvent that must be later evaporated off, and while also avoiding the application of binder to the fibre.

Independent claim 1 as amended, recites at least one feature that is neither disclosed nor suggested by Chihani, namely:

at least one additional stratum is substantially free of superabsorbent material.

While Chihani teaches superabsorbent fibres or non-woven materials in which particles of superabsorbent material have been bonded to individual fibres, Chihani does not suggest a stratum that is substantially free of superabsorbent material.

Chihani therefore fails to disclose or suggest every element of Applicants' invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that

independent claim 1 as amended is patentable over Chihani and should be allowed. Claim 9 is dependent upon claim 1, and therefore should be allowed as least dependent upon an allowable base claim. Reconsideration of claims 1 and 9 is respectfully requested.

Claim Rejection Under 35 U.S.C. §103(a): Katz in view of Everett

Claims 6, 7 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Katz as applied to claims 1-5 and 10, above, and further in view of Everett (Everett) (U.S. Patent No. 6,383,960). However, the proposed combination of Katz and Everett fails to overcome the fact that Katz fails to teach each and every limitation of Applicants' invention.

Claims 7 and 11, as dependent on amended claim 1, explicitly recite:

wherein the core comprises **two or more adjacent and coextensive strata**, wherein one stratum comprises filaments having disposed on said surface thereof said layer comprising the superabsorbent material, and **at least one additional stratum is substantially free of superabsorbent material**.

This feature is neither disclosed nor suggested by Katz or Everett alone or in combination. Accordingly, the Office Action fails to establish a prima facie case of obviousness with respect to claims 7 and 11 in view of the amendments to claim 1.

In sharp contrast to Applicants' invention, Everett discourages the use of a layer having a low superabsorbent polymer (SAP) content let alone a stratum that is substantially free of superabsorbent material:

Attempts have been made to provide one absorbent layer with a low SAP concentration to promote wicking, while maintaining high SAP concentrations in another layer to achieve a thin product having the desired amount of absorbent capacity. Such systems have not provided the desired levels of performance because the liquid can preferentially move into the areas containing relatively higher concentrations of SAP. In the layer region containing the relatively low concentration of SAP, the amount of remaining liquid can be insufficient to provide the desired levels of wicking." (Column 7, Lines 23-36)

In fact, Everett at column 23, lines 61-64 teaches:

"The first layer portion can also contain a minimum of not less than about 20% of superabsorbent material by weight, and desirably contains not less than about 30% superabsorbent."

Everett also teaches at column 26, lines 37-40 that:

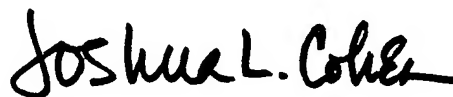
"The second layer portion can also contain not less than about 20% of superabsorbent material, by weight, and desirably contains not less than about 30% superabsorbent."

Accordingly, claims 7 and 11 are patentable over Katz in view of Everett. Claim 6 has been cancelled.

Conclusion

In view of the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,

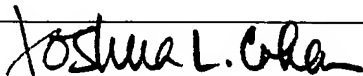


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